

1 DIEPENBROCK & COTTER, LLP  
JOHN P. COTTER, State Bar No. 158783  
2 ANTHONY R. ROSSMILLER, State Bar No. 215652  
1545 River Park Drive, Suite 201  
3 Sacramento, California 95815  
Telephone: (916) 565-6222  
4 Telecopier: (916) 565-6220

5 Attorneys for Defendants  
AMTECK OF KENTUCKY, INC. and THE HASKELL COMPANY  
6  
7  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 REYNALDO SALINAS, et al., ) CASE NO. C 08-01463 PJH  
12 )  
Plaintiffs, )  
13 )  
vs. ) Date: July 23, 2008  
14 ) Time: 9:00 a.m  
AMTECK OF TEXAS, et al., ) Courtroom: 3  
15 )  
Defendants. )  
16 )  
17

18 REQUEST FOR JUDICIAL NOTICE RE:  
19 DEFENDANTS AMTECK OF KENTUCKY, INC. and THE HASKELL COMPANY'S  
20 NOTICE OF MOTION AND MOTION FOR ASSESSMENT OF FEES AND COSTS  
21 AGAINST PLAINTIFFS IN THE AMOUNT OF \$77,847.66 AND FOR STAY OR  
22 DISMISSAL OF PROCEEDINGS PENDING PAYMENT  
23  
24  
25  
26

1 Pursuant to Federal Rule of Evidence 201, defendants Amteck of Kentucky, Inc. and  
2 the Haskell Company request that the court take judicial notice of the following facts:

3 1. Plaintiffs filed an action against defendants Amteck of Kentucky, Inc. and the  
4 Haskell Company entitled Reynaldo Salinas, et al. vs. Amteck, Superior Court, State of  
5 California, Napa County, Case No. 26-35179 which was dismissed without prejudice. See,  
6 Exhibits “1” and “4” attached to the memorandum accompanying this motion.

7 2. Plaintiffs filed this action against defendants Amteck of Kentucky, Inc. and  
8 the Haskell Company in Texas state court. See, Exhibit “8” attached to the memorandum  
9 accompanying this motion.

10 3. The claims against defendants Amteck of Kentucky, Inc. and the Haskell  
11 Company in Reynaldo Salinas, et al. vs. Amteck, Superior Court, State of California, Napa  
12 County, Case No. 26-35179 are substantially similar to the claims in this action. See,  
13 Exhibits “1” and “8” attached to the memorandum accompanying this motion.

14 4. Plaintiffs sued an entity known as Amteck of Texas in this action. Amteck of  
15 Texas removed the action to the Southern District of Texas and asserted it had been  
16 wrongfully jointed in this action. Amteck also filed a motion to dismiss and was eventually  
17 dismissed by plaintiffs. See, Exhibits “13” through “15” attached to the memorandum  
18 accompanying this motion.

19 5. Defendant Amteck of Kentucky removed this action to the Southern District  
20 of Texas and filed a motion to dismiss/transfer. See, Exhibits “9” and “10” attached to the  
21 memorandum accompanying this motion.

22 6. Defendant Haskell Company removed this action to the Southern District of  
23 Texas and filed a motion to dismiss/transfer. See, Exhibits “11” and “12” attached to the  
24 memorandum accompanying this motion.

25 Defendants Amteck of Kentucky, Inc. and the Haskell Company also request that  
26 the court take judicial notice of the court’s files and documents while the case was venued

1 in the Southern District of Texas. The case number is 7:08-cv-00003.

2 DATED: June 12, 2008

DIEPENBROCK & COTTER, LLP

3  
4 */s/ John P. Cotter*

By:

5 JOHN P. COTTER  
6 ANTHONY R. ROSSMILLER  
7 Attorneys for Defendants  
8 AMTECK OF KENTUCKY, INC. and  
9 THE HASKELL COMPANY  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and forgoing document was sent via ELECTRONIC SERVICE (through ECF website) or UNITED PARCEL SERVICE to the counsel listed below on June 12, 2008:

Wesley Todd Ball  
Michael A. Hawash  
Farrar & Ball LLP  
1010 Lamar, Suite 1600  
Houston, TX 77002  
T: (713) 221-8300  
F: (713) 221-8301  
michael@fbtrial.com

Counsel for Plaintiffs  
(By UPS only - not ECF registered for this case - copy of General Order 45 included)

Timothy D. McMahon  
Corsiglia McMahon & Allard LLP  
96 North Third Street, Suite 620  
San Jose Ca. 95112  
T: (408) 298-7200  
F:  
tmcMahon@cmlaw.net

Counsel for Plaintiffs  
(Courtesy copy by UPS only - not ECF registered for this case - copy of General Order 45 included)

Ronald D. Digesti, Esq.  
Callahan, Mccune & Willis, APLC  
500 Sansome Street. Suite 410  
San Francisco, CA 94111  
T: 415-593-5700  
F: 415-593-6984  
ronald\_digesti@cmwlaw.net

Counsel for U.S. Trades  
(Served through ECF system)

1 Frank Edward Schmaneck  
2 Dryden Margolis Schmaneck & Wertz  
3 505 Sansome Street, Sixth Floor  
4 San Francisco, CA 94111  
5 T: (415) 362-6715  
6 F: (415) 362-0638  
7 feschmaneck@drydenlaw.com

8 Counsel for Snorkel International, Inc.  
9 (Served through ECF system)

10  
11 I declare under penalty of perjury that the forgoing is true and correct.

12  
13 */s/ John P. Cotter*

14  
15 \_\_\_\_\_  
16 JOHN P. COTTER

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
H:\DEEP SOUTH\Salinas\Pleadings\FEDERAL COURT\mot-costs-frcp41(2)-req for judicial notice.wpd